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Pennsylvania Department of Environmental Protection

909 Elmerton Avenue
Harrisburg, PA 17110-8200
July 21, 2000

Southcentral Regional Office

717-705-4704

Mr. Abraham Ferdas, Director (3HS00)
Hazardous Sites Cleanup Division
U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Re: Letter of Concurrence
Record of Decision Amendment
Whitmoyer Laboratories Site

Dear Mr. Ferdas:

On June 22, 2000, the Department of Environmental Protection (DEP) received the proposed *Amendment No. 2 to the Record of Decision (ROD) for Operable Unit Three at the Whitmoyer Laboratories Superfund Site*. The amendment fundamentally alters the remedy selected in the original ROD with respect to scope, performance, and cost. It is based on information acquired during the Remedial Design and related clean-up activities at the site.

This amendment eliminates the requirement to excavate moderately contaminated, unsaturated off-site soils located within the capture zone of the groundwater extraction system. Those soils will instead be covered with two feet of clean soil and revegetated. It also eliminates soil excavation activities in the southeastern portion of the Site along the steep embankment to the railroad tracks. A fence will be installed to eliminate contact with this area. The amendment will allow nonhazardous concrete floor slabs, foundations, footings, dikes, underground piping and miscellaneous construction debris to be used as backfill on-site underneath the soil cover. These changes are estimated to result in a cost saving of approximately \$500,000.

DEP is not in agreement with EPA's position that the regulations promulgated under The Land Recycling and Environmental Remediation Standards Act are *To Be Considered* standards rather than ARARs. However, since the remedy satisfies the requirements of the regulations, DEP concurs with the amendment with the following conditions:

- EPA will assure that DEP is provided an opportunity to fully participate in any negotiations with responsible parties or local officials regarding future use of the property.
- DEP reserves the right and responsibility to take independent enforcement actions pursuant to state law.

AR303098



Mr. Abraham Ferdas

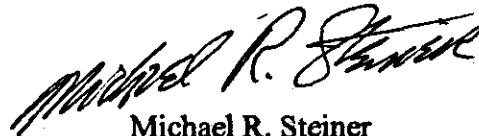
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- This concurrence with the selected remedial action is not intended to provide any assurances pursuant to SARA § 104(a)(3).

Thank you for the opportunity to comment on this EPA record of decision amendment. If you have any questions regarding this matter, please contact me at the above number or Mr. James Flesher. Program Manager of the Southcentral Region's Environmental Cleanup Program, at 717-705-4705.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael R. Steiner", written in a cursive style.

Michael R. Steiner
Regional Director

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